

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| UNITED STATES OF AMERICA | : | |
| - v. - | : | CONSENT PRELIMINARY ORDER OF FORFEITURE/ |
| | : | <u>MONEY JUDGMENT</u> |
| DANIEL QUIRK, | : | |
| | : | S7 17 Cr. 243 (SHS) |
| Defendant. | : | |
| - - - - - | x | |

WHEREAS, on or about September 13, 2018, DANIEL QUIRK (the "Defendant"), was charged in a five-count Superseding Information, S7 17 Cr. 243 (SHS) (the "Information"), with wire fraud, in violation of Title 18, United States Code, Sections 1343 and 2 (Count One); wire fraud conspiracy, in violation of Title 18, United States Code, Section 1349 (Count Two); money laundering conspiracy, in violation of Title 18, United States Code, Section 1956(h) (Count Three); and narcotics distribution conspiracy, in violation of Title 21, United States Code, Section 846 (Counts Four and Five);

WHEREAS, the Information included a forfeiture allegation as to Counts One and Two of the Information, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), of any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses charged in Counts One and Two of the Information, including but not limited to a sum of money in United States

currency representing the amount of proceeds traceable to the commission of the offenses charged in Counts One and Two of the Information;

WHEREAS, the Information included a forfeiture allegation as to Count Three of the Information, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), of any and all property, real and personal, involved in the offense charged in Count Three of the Information, or any property traceable to such property, including but not limited to a sum of money in United States currency representing the amount of property involved in the offense charged in Count Three of the Information;

WHEREAS, the Information included a forfeiture allegation as to Counts Four and Five of the Information, seeking forfeiture to the United States, pursuant to Title 21, United States Code, Section 853, of any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of the offenses charged in Counts Four and Five of the Information and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offenses charged in Counts Four and Five of the Information, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to

the commission of the offenses charged in Counts Four and Five of the Information;

WHEREAS, on or about September 7, 2018, the Defendant pled guilty to Counts One through Five of the Information, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Counts One through Five of the Information and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and 982(a)(1), Title 21, United States Code, Section 853, and Title 28, United States Code, Section 2461(c), any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of the offenses charged in Counts One through Five of the Information and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offenses charged in Counts One through Five of the Information, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offenses charged in Counts One through Five of the Information that the Defendant personally obtained; and

WHEREAS, the Defendant consents to the entry of a Money Judgment in the amount of \$153,000 in United States currency, representing (i) \$140,000 in proceeds traceable to the offense

charged in Count Two of the Information that the Defendant personally obtained; (ii) \$5,500 in proceeds traceable to the offense charged in Count Four of the Information that the Defendant personally obtained; (iii) and \$7,500 in proceeds traceable to the offense charged in Count Five of the Information that the Defendant personally obtained; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offenses charged in Counts Two, Four, and Five of the Information that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Audrey Strauss, Acting United States Attorney, Assistant United States Attorneys, Kiersten A. Fletcher, Benet. J Kearney, and Robert B. Sobelman of counsel, and the Defendant, and his counsel, Samuel M. Braverman, Esq., that:

1. As a result of the offenses charged in Counts Two, Four, and Five of the Information, to which the Defendant pled guilty, a Money Judgment in the amount of \$153,000 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offenses charged in Counts Two, Four,

and Five of the Information that the Defendant personally obtained, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, DANIEL QUIRK, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to United States Customs and Border Protection, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. Upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, and pursuant to Title 21, United States Code, Section 853, United States Customs and Border Protection shall be authorized to deposit the payment on the Money Judgment in the Treasury Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of

substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

8. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Alexander J. Wilson, Co-Chief of the Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

9. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

AUDREY STRAUSS
Acting United States Attorney for the
Southern District of New York

By: Robert B. Sobelman 8/11/20
KIERSTEN A. FLETCHER _____ DATE _____
BENET J. KEARNEY
ROBERT B. SOBELMAN
Assistant United States Attorneys
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2238/2260/2616

DANIEL QUIRK

By: [Signature] 8/2/20
DANIEL QUIRK _____ DATE _____

By: /s/ Samuel M. Braverman 8/11/20
SAMUEL M. BRAVERMAN, ESQ. _____ DATE _____
Attorney for Defendant
Fasulo Braverman & Di Maggio, LLP
225 Broadway, Suite 715
New York, New York 10007

SO ORDERED:

[Signature]
HONORABLE SIDNEY H. STEIN _____ DATE 8/11/2020
UNITED STATES DISTRICT JUDGE